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La Gazette de L'État de Poudouchéry
The Gazette of Puducherry

PART - II

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No. } 19 Poudouchéry	Mardi	26	Avril 2022
No. } Puducherry	Tuesday	26th	April 2022
(6 Vaisakha 1944)			

GOVERNMENT OF PUDUCHERRY
INFORMATION TECHNOLOGY SECRETARIAT

(G.O. Ms. No. 12/DIT/2022/2082, Puducherry, dated 21st April 2022)

ORDER

The “Communication and Connectivity Infrastructure Policy-2015” was notified *vide* G.O. Ms. No. 2/DIT/2015/3100, dated 27th July 2015 of the Directorate of Information Technology, Government of Puducherry.

2. Whereas, the Department of Telecommunications, Ministry of Communications, Government of India, had notified the Indian Telegraph Right of Way Rules, 2016 *vide* General Statutory Rules, No. GSR-1070(E), dated 15th November, 2016 of the Department of Telecommunications, Ministry of Communications, to regulate underground

infrastructure (optical fibre) and over ground infrastructure (mobile towers). Among other things, these rules stipulate that no other fee shall be charged other than those prescribed.

3. As there is inconsistency between the Policy and Central Rules, the Council of Ministers, Government of Puducherry, has approved to amend the existing policy in the Union territory of Puducherry to be in alignment with the provisions contained in the Indian Telegraph Right of Way Rules, 2016 *vide* Resolution No. 2021/M.5/383.

4. Accordingly, the Communication and Connectivity Infrastructure Policy, 2015 was amended to be in alignment with the Indian Telegraph Right of Way Rules, 2016 *vide* G.O. Ms. No. 2/DIT/2021/2242, dated 22nd February, 2021 of the Directorate of Information Technology, Puducherry.

5. As per para 3(ii) of the G.O. Ms. No. 2/DIT/2021/2242, dated 22nd February, 2021 of the Directorate of Information Technology, Puducherry, no other fees/charges shall be levied by the respective authorities other than those prescribed in the Indian Telegraph Right of Way Rules, 2016 while giving permission for establishment of telecommunication infrastructure.

6. As per the proviso clause under rule 9(3) of Indian Telegraph Right of Way Rules, 2016, a maximum amount of ₹ 10,000 can only be collected from a licensee for establishment of over ground telegraph infrastructure, irrespective of number of towers or antennas. As per rule 10(4), the appropriate authority shall not charge any fee other than those mentioned under rule 9(3).

7. However, it has been brought to the notice of this Directorate that the Puducherry Planning Authorities governed under the purview of the Town and Country Planning Department, Puducherry, are levying the following fees as per clause 8 (Fees) of the Puducherry Building Bye-Laws and Zoning Regulations (Amendment), 2014 notified *vide* G.O. Ms. No. 5/2012-Hg., dated 26th February, 2015.

- (i) Permit fee of ₹ 1,00,000 per tower.
- (ii) Renewal fee of ₹ 35,000 per tower.
- (iii) Additional permit fee of ₹ 50,000 for every additional antenna.
- (iv) Additional renewal fee of ₹ 15,000 for every additional antenna.

8. As the action of Town and Country Planning Department is found contrary to the Communication and Connectivity Infrastructure Policy, 2015 in so far as regulation of over ground telecom infrastructure in the Union territory of Puducherry notified *vide* G.O. Ms. No. 2/DIT/2021/2242, dated 22nd February, 2021 of the Directorate of Information Technology, Puducherry, the issue was referred to the Law Department for their opinion/clarification.

9. The Law Department after thoroughly examining the various provisions contained in the Puducherry Building Bye-Laws and Zoning Regulations (Amendment), 2014, the Indian Telegraph Right of Way Rules, 2016, the Communication and Connectivity Policy, 2015 and G. O. Ms. No. 2/DIT/2021/2242, dated 22-02-2021 has categorically clarified that the provision contained in G.O. Ms. No. 2/DIT/2021/2242, dated 22-02-2021 and the Indian Telegraph Right of Way Rules, 2016 shall prevail in all situations which circumvents the issue involved due to inconsistencies *vide* I.D. Note No. 02/Leg/2022-LD., dated 02-03-2022.

10. In view of the above, it is clarified that G.O. Ms. No. 2/DIT/2021/2242, dated 22-02-2021 and the Indian Telegraph Right of Way Rules, 2016 shall have overriding effect over the provisions contained in the Puducherry Building Bye-Laws and Zoning Regulations (Amendment), 2014, in case of inconsistencies/contradictions in so far as establishing of over ground infrastructure is concerned.

11. Therefore, the Planning Authorities under Town and Country Planning Department shall not charge more than ₹ 10,000 per application for establishment of over ground telegraph infrastructure irrespective of number of towers/antennas.

(By order of the Lieutenant-Governor)

YASAM LAKSHMI NARAYANA REDDY,
Additional Secretary to Government
(Information Technology).